

**FILED**

December 07, 2022

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
By: DT  
Deputy

**UNITED STATES OF AMERICA,****Plaintiff,****v.****DANIEL ANTONIO TOHME POSADA,****Defendant.****Case No: EP:22-CR-01944-KC****INDICTMENT**

**COUNT 1:** 18:922(n) and 924(a)(1)(D) —  
Illegal Receipt of Ammunition by a Person  
Under Indictment.

*Notice of Government's Demand for  
Forfeiture*

**THE GRAND JURY CHARGES:**

**COUNT ONE**  
**(18 U.S.C. §§ 922(n) and 924(a)(1)(D))**

On or about November 9, 2022, within the Western District of Texas, the Defendant,

**DANIEL ANTONIO TOHME POSADA,**

then being under indictment for a crime punishable by imprisonment for a term exceeding one year, to wit: April 22, 2022, in the 168<sup>th</sup> District Court in El Paso, Texas for the offense of Manslaughter, a Felony offense in the State of Texas, did willfully receive, in interstate commerce ammunition, that is 7,000 rounds of PMC .223 caliber ammunition and 3,000 rounds of Winchester .223 caliber ammunition, and said ammunition having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(n) and 924(a)(1)(D).

**NOTICE OF GOVERNMENT'S DEMAND FOR FORFEITURE**

[See Fed. R. Crim. P. 32.2]

**I.****Firearm Violation and Forfeiture Statutes**

**[Title 18 U.S.C. §§ 922(n) and 924(a)(1)(D), subject to forfeiture  
pursuant to Title 18 U.S.C. § 924(d)(1), as made applicable to criminal  
forfeiture by Title 28 U.S.C. § 2461(c)]**

As a result of the foregoing criminal violation set forth in Count One, the United States of America gives notice to Defendant **DANIEL ANTONIO TOHME POSADA** of its intent to seek the forfeiture of any and all properties upon conviction pursuant to FED. R. CRIM. P. 32.2 and Title 18 U.S.C. § 924(d)(1), as made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c). Section 924 states, in pertinent part, the following:

**Title 18 U.S.C. § 924.**

\* \* \*

**(d)(1)** Any firearm or ammunition involved in or used in any knowing violation of subsection (a)(4), (a)(6), (f), (g), (h), (i), (j), or (k) of section 922, or knowing importation or bringing into the United States or any possession thereof any firearm or ammunition in violation of section 922(l), or knowing violation of section 924, shall be subject to seizure and forfeiture under the provisions of this chapter. . .

The Notice of Demand of Forfeiture includes but is not limited to the properties described below in Paragraph II.

**II.  
Personal Properties**

1. 7,000 rounds of PMC .223 caliber ammunition
2. 3,000 rounds of Winchester .223 caliber ammunition
3. Any and all firearms, ammunition, and/or accessories involved in or used in the commission of the criminal offense.

A TRUE BILL.

FOREPERSON OF THE GRAND JURY

ASHLEY C. HOFF  
UNITED STATES ATTORNEY

BY:   
Assistant U.S. Attorney